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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Srivastava Confirmation No.: 7769  
Serial No.: 09/750,972 Art Unit: 1643  
Patent No.: 7,179,462 B2  
Filed: December 28, 2000 Examiner: YAEN, Christopher H.  
Issued: February 20, 2007  
For: ALPHA (2) MACROGLOBULIN Attorney Docket No: 8449-134-999  
RECEPTOR AS A HEAT SHOCK (708584-999133)  
PROTEIN RECEPTOR AND USES  
THEREOF

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER**  
**37 C.F.R. § 1.705(d)**

MAIL STOP PATENT EXT.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Patentee hereby respectfully requests reconsideration of the patent term adjustment indicated in the above-identified patent. United States Patent No. 7,179,462 (the "Patent") issued on February 20, 2007 and indicates a Patent Term Adjustment under 35 U.S.C. § 154(b) of 1535 days. However, Patentee believes that the total patent term adjustment should be 847 days.

In support of this request, Patentee submits the following statement of facts:

- (i) Pursuant to the Decision on Application for Patent Term Adjustment mailed January 5, 2007 (the "Decision"), the period of adjustment of patent term due to examination delay calculated under § 1.703(a) is 742 days, which is the sum of 27 days, which is the delay by the Office under § 1.703(a)(1), plus 715 days, which is the delay by the Office under § 1.703(a)(2).
- (ii) Pursuant to the Decision, the reduction of period of adjustment of patent term due to applicant delay is calculated under § 1.704 is 330 days.

(iii) The period of adjustment of patent term due to examination delay under § 1.703(b) is 1150 days, which is the number of days in the period beginning on the day after the date that is 3 years after the date on which the application was filed (such day being December 29, 2003, since the application was filed on December 28, 2000) and ending on the date a patent was issued (February 20, 2007).

Patentee believes that the patent term adjustment calculated by the United States Patent and Trademark Office indicated on the Patent erroneously included overlapping time periods between the periods calculated under § 1.703(a) and § 1.703(b). The delay by the Office calculated under § 1.703(b) is for a time period from December 29, 2003 to February 20, 2007 which amounts to 1150 days. The delay by the Office calculated under § 1.703(a) is 742 days. When the overlapping time is discounted, the total period of adjustment due to examination delay is 1150 days.

Pursuant to § 1.703(f), the patent term adjustment is the sum of the periods calculated under §§ 1.703(a) through (e), to the extent the periods are not overlapping, less the sum of the periods calculated under § 1.704. Accordingly, Patentee believes that the correct patent term adjustment is 1150 minus 330, which is 820 days.

Patentee submits that the above-identified application is not subject to a terminal disclaimer. The circumstances during the prosecution of the application that constitute a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in § 1.704 are summarized in the Decision on Application for Patent Term Adjustment mailed January 5, 2007, which is incorporated herein by reference.

Since this Request for Reconsideration of Patent Term Adjustment is submitted to reduce the patent term adjustment, Applicant believes that no fee is due. However, if it is determined that a fee is required, please charge any required fee to Jones Day Deposit Account No. 50-3013.

Date: April 20, 2007

Respectfully submitted, *Adriane M. Antler* <sup>40,258</sup> <sub>I. C. TSANG</sub>  
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